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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,234	01/26/2004	Joseph W. Carlson	JWC03-01	1754
7590 Angus C. Fox, III 4093 N. Imperial Way Provo, UT 84604-5386			EXAMINER QIN, JIANCHUN	
			ART UNIT 2837	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/08/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/765,234

Applicant(s)

CARLSON, JOSEPH W.

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 44-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-29 and 39-43 is/are allowed.
- 6) ☒ Claim(s) 1,2,30,32 and 33 is/are rejected.
- 7) ☒ Claim(s) 3-16,31 and 34-38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/04</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restriction***

1. Per Applicants' response dated 12/08/06, a provisional election was made without traverse to prosecute Invention I of claims 1-43. Claims 44-50 are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 30, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sider (U. S. Pat. No. 4031798).

Regarding claim 1, Sider discloses a method of manufacturing a soundboard for a stringed musical instrument (Abstract; Figs. 1-3), said method comprising the steps of: fashioning a soundboard from at least one piece of lumber (col. 3, lines 15-20, lines 34-36; col. 5, lines 40-45); and texturing at least one surface of the soundboard (col. 3, lines 15-20, lines 25-33; col. 5, lines 38-40).

Art Unit: 2837

Regarding claim 30, Sider discloses a method of treating a wooden soundboard of a stringed musical instrument to enhance its resonance, said method comprising the step of texturing at least one surface of the soundboard (Figs. 1-3; col. 3, lines 15-20, lines 25-33; col. 5, lines 38-40).

Regarding claims 32 and 33, Sider discloses: wherein said at least one surface is textured with a random pattern irrespective of the location of earlywood and latewood grains (Figs. 1-3; col. 3, lines 15-20, lines 25-33; col. 5, lines 38-40); wherein said at least one surface is textured with a repeating relief pattern (Figs. 1-3; col. 3, lines 15-20, lines 25-33; col. 5, lines 38-40).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sider in view of Lucas (U. S. Pat. No. 6639135).

Sider discloses the subject matter discussed above. Sider further teaches: said lumber selected is soft woods such as spruce, pine ad cedar (col. 3, lines 34-36).

Sider does not mention explicitly: wherein the lumber selected is quarter sawn.

Art Unit: 2837

Lucas discloses a technique for making a soundboard of stringed instrument, wherein said soundboard is made from at least one piece of lumber, and said lumber selected is quarter sawn (col. 1, lines 40-44; col. 6, lines 8-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Sider by having quarter sawn as the selected lumber, as taught by Lucas, in order to provide a lumber to make the soundboard which satisfies tonal objectives and also possesses a combination of strength and hardness (Lucas, col. 1, lines 32-44).

#### ***Allowable Subject Matter***

6. Claims 3-16, 31 and 34-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 17-29 and 39-43 are allowed.

#### ***Reasons for Allowance***

8. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claims 3-16 is the inclusion of the limitation that said at least one piece of lumber has both earlywood and latewood grains, and said at least one surface is textured by forming a plurality of grooves in the earlywood growth portions thereof. It is this limitation found in each of the

Art Unit: 2837

claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 17-29 is the inclusion of the claimed method step of: compacting the earlywood grain on at least one surface of the panel to create a series of generally parallel grooves in said at least one surface. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 31 and 34-38 is the inclusion of the limitation that said at least one surface is textured by forming a plurality of grooves in the earlywood growth portions thereof. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 39-43 is the inclusion of the claimed method step of: texturing at least one major surface of the panel by forming a plurality of grooves in the earlywood growth portions thereof. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

***Prior Art Citations***

Art Unit: 2837

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Moon (KR 2002004285 A) is entitled "Method of forming pattern onto wood panel".

#### ***Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

Application/Control Number: 10/765,234

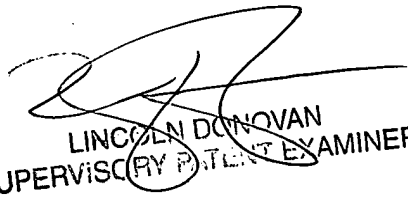
Page 7

Art Unit: 2837

Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianchun Qin  
Examiner  
Art Unit 2837

JQ 

  
LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER